

R E M A R K S

Claims 1-34 are pending. Re-examination and reconsideration are requested.

5 In the office action, dated March 21, 2006, the examiner rejected claims 1-7, 9-12, 14-22, 24-27, and 29-34 under 35 U.S.C. §102(b) as being anticipated by Mitchell et al., U.S. Patent No. 5,963,966 (Mitchell). The examiner rejected claims 8 and 23 under 35 U.S.C. §103(a) as being unpatentable over Mitchell. The examiner also rejected claims 13 and 28 under 10 Section 103(a) as being obvious over Mitchell in view of Block et al., U.S. Patent No. 6,295,543 (Block).

Re the Section 102 Rejections:

15 Claims 1-7, 9-12, 14-22, 24-27, and 29-34 stand rejected under Section 102(b) as being anticipated by Mitchell. These rejections are improper in that Mitchell fails to disclose or suggest a method wherein indicia on a document is used to access additional information (i.e., information that is not part of the document itself). Because at least this limitation is not met, the examiner's anticipation rejections are improper and must be 20 removed.

As previously described in earlier responses, Mitchell describes an automated documented formatting system for converting paper documents into electronic documents. While Mitchell's system is capable of using the document itself to 25 create an index of the various portions of the document, the index can only be used to retrieve other portions of the document, not additional information or "network data" as required by each of the pending claims. Put in other words, the links that Mitchell generates as a result of the indexing process are confined to the document itself. By definition, the document 30 itself cannot comprise "network data," where "network data" are defined to not include the document itself. In contrast to Mitchell, the present invention uses the indicia obtained from the document to retrieve additional information, i.e., "network

data" that do not include the document itself.

In responding to applicant's arguments, the examiner states that "hyperlinks within the document are considered as additional network data other than the document." This is an unreasonable construction in the context of the present invention and is contrary to the express language of the claims. The issue is not whether hyperlinks may be considered to be additional network data, but rather whether the information retrieved by the hyperlinks comprise network data, as that is the context of the term network data in the pending claims. Clearly in Mitchell, the hyperlinks cannot comprise network data within the context and meaning of the pending claims, as Mitchell's hyperlinks are merely links to other portions of the document. That is, Mitchell's hyperlinks cannot be used to retrieve additional information or "network data."

Even if it were proper (which it is not) to regard Mitchell's hyperlinks as network data, the hyperlinks really comprise information obtained from the document itself (i.e., during the indexing process) rather than additional information relating to the document itself. As described on page 4, line 32 through page 5, line 2 of the present invention, network data in the context of the present invention comprises additional information, such as "price, options, specifications, coupons, purchase order forms, purchase incentives, company information, warranties, etc." about the document. Clearly, Mitchell's hyperlinks are not this type of additional information because Mitchell's hyperlinks are derived from the document itself.

In conclusion, Mitchell's hyperlinks do not comprise "network data" in the context of the pending claims: They are merely pointers to other parts of the document itself. To the extent that the examiner construes Mitchell's hyperlinks to comprise additional network data, that construction is not reasonable in the context of the present invention. The written description makes clear that network data refers to additional information about the document, such as, for example, price,

options, specifications, coupons, purchase order forms, purchase incentives, company information, and warranties. It is unreasonable and strains logic to conclude that Mitchell's hyperlinks satisfy this definition. Consequently, claims 1-7, 9-12; 14-22, 24-27, and 29-34 are not anticipated by Mitchell.

Re the Rejections of Claims 8 and 23:

The examiner rejected claims 8 and 23 under Section 103(a) as being unpatentable over Mitchell. These rejections are improper in that it is not reasonable to view Mitchell's hyperlinks as corresponding to the "network data" of the pending claims. Mitchell's hyperlinks are mere pointers to other places in the document itself; they cannot be used to retrieve additional information relating to the document.

Moreover, even if Mitchell's hyperlinks are regarded as network data, they clearly are not the type of network data contemplated by the present invention. That is, Mitchell's hyperlinks do not comprise any of the exemplary types of additional information or network data specified in the written description (e.g., price, options, specifications, coupons, purchase order forms, purchase incentives, company information, and warranties), nor does Mitchell even suggest that his hyperlinks might comprise such information.

Consequently, because Mitchell's hyperlinks do not comprise "network data" in the context of the claimed invention, and because Mitchell nowhere discloses or suggests that they might comprise the type of additional information given by example in the written description, Mitchell cannot establish the required prima-facie case of obviousness. Therefore, claims 8 and 23 are not obvious over Mitchell.

Re the Rejections of Claims 13 and 28:

The examiner rejected claims 13 and 28 under Section 103(a) as being obvious over Mitchell in view of Block. These rejections are improper in that neither Mitchell nor Block

contain the suggestion or incentive required to combine them in the manner required by the pending claims. Moreover, even if Mitchell and Block were combined, the resulting combination would still fail to meet the limitations of the pending claims.

5 While the Block reference does disclose determining word frequency, Block uses word frequency for a different purpose. Namely, to empirically correlate a word and a class. However, this is not the same as the limitations of claims 13 and 28 which include at least "using the results of said frequency comparison  
10 to locate said network data." Notwithstanding this different purpose, even if it were proper to combine Block with Mitchell (which is denied), the resulting combination would still fail to meet the limitations of the pending claims, in that it is not reasonable to view Mitchell's hyperlinks as corresponding to the  
15 "network data" of the pending claims. As discussed above, Mitchell's hyperlinks are mere pointers to other places in the document itself; they cannot be used to retrieve additional information relating to the document. The only information Mitchell's hyperlinks retrieve is other parts of the scanned  
20 document.


In addition, even if Mitchell's hyperlinks are regarded as network data, they clearly are not the type of network data contemplated by the present invention. That is, Mitchell's hyperlinks do not comprise any of the exemplary types of  
25 additional information or network data specified in the written description (e.g., price, options, specifications, coupons, purchase order forms, purchase incentives, company information, and warranties), nor does Mitchell even suggest that his hyperlinks might comprise such information. Therefore, neither  
30 Mitchell nor Block can be used to establish the required prima-facie case of obviousness of claims 13 and 28.

Applicant believes that all of the claims pending in this patent application are allowable and that all other issues raised by the examiner have been rectified. Therefore, applicant  
35 respectfully requests the examiner to reconsider the rejections

and to grant an early allowance. If any questions or issues remain to be resolved, the examiner is requested to contact the applicant's attorney at the telephone number listed below.

Respectfully submitted,

DAHL & OSTERLOTH, L.L.P.

  
\_\_\_\_\_  
Bruce E. Dahl, Esq.  
Attorney for Applicant  
PTO Registration No. 33,670  
555 17<sup>th</sup> Street, Suite 3405  
Denver, CO 80202  
(303) 291-3200

Date: 6-8-06